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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,573	11/03/2000	Herman Rodriguez	AUS9-2000-0484-US1	2332

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,573

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 5, it is confusing because it repeats the limitations of claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson (US 6,496,568).

Nelson teaches a method and system for providing automated notification to a customer, comprising:

As per claims 1, 11 and 18,

scheduling the travel plans using a computer system (Abstract; column 1, lines 47-49; column 2, lines 33-35; column 1, line 35 – column 2, line 58);

recording the scheduled travel plans on a nonvolatile storage device connected to the computer system (column 5, lines 14-33; column 1, line 35 – column 2, line 58);
sending a message to each of the contacts in response to the scheduling (column 1, line 35 – column 2, line 58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 15-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Kramer et al. (US 6,327,574).

As per claims 2-4, 15-17 and 22-24, Nelson teaches said method and system, comprising:

grouping the contacts into a plurality of classes (Abstract; column 1, lines 44-46; column 2, lines 5-8);

providing details corresponding to the travel plans to the contacts based upon the class corresponding to each contact (column 1, line 35 – column 2, line 58);

providing a contact method for each of the contacts, wherein the contact method includes at least one of sending an email message, sending a facsimile, sending a voice mail, sending a page, and sending a data stream using a predefined protocol (column 1, lines 40-44; column 4, lines 10-15);

reading a user profile (column 1, line 35 – column 2, line 58).

However, Nelson does not specifically teach that providing details includes providing varying levels of detail, and that reading a user profile determines the message to use for each contact.

Kramer et al. teach a method and system for hierarchical models of consumer attributes for targeting content, wherein consumer profiles are grouped in accordance with models including hierarchical attribute vectors which encode attributes of consumer at progressively higher levels of abstraction, for generating messages most closely matching to various consumer profiles (Abstract; column 2, line 47 – column 3, line 60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nelson to include providing varying levels of detail based upon reading a user profile, because it would allow to provide the consumer with information most matching with his interests or previous behavior.

Claims 6-10, 12-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson and Kramer et al. in view of Sharood et al. (US 6,453,687).

As per claims 6-10, 12-14 and 19-21, Nelson and Kramer et al. teach all the limitations of claims 6-10, 12-14 and 19-21, except for sending a message to the home automation system; and setting a home automation environment in the home automation system.

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Sharood et al. teach a method and system for a home automation system which can be accessed and controlled remotely utilizing a computer network (column 1, line 29 - column 2, line 36; column 3, line 57 – column 4, line 48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nelson and Kramer et al. to include sending a message to the home automation system, because it would allow to provide the consumer with additional services relating to his home automation system, thereby making the system more attractive to the customers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

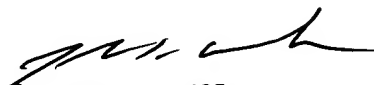
or faxed to:

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(703) 305-7687 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

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